# UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA, Complainant,	)	8 U.S.C. § 1324a Proceeding
V.	)	OCAHO Case No. 95A00162
ALNO GEDNEY FARMS, INC., d/b/a Gedney Farms Nursery, Respondent.	) ) )	Judge Robert L. Barton, Jr.
	)	

## DECISION AND ORDER (July 17, 1996)

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) The document entitled Consent Findings contained in the Motion to Approve Consent Findings, submitted by the parties, including the recitation of facts contained therein, is adopted and made a part of this Decision and Order, according to its terms as if fully set out therein.
- (2) The parties have agreed that Respondent admits the allegation set forth in the Complaint thereby conceding violations of section 274A(a)(1)(A) and 274A(a)(1)(B) of the Immigration and Nationality Act (hereinafter the "Act"), 8 U.S.C. §1324a(a)(1)(A) ands §1324a(a)(1)(B). I conclude that the document entitled Consent Findings is fair and satisfactory and there is no reason not to accept it, within contemplation of 28 C.F.R. §68.14.
- (3) On the basis of the Consent Findings, I find and conclude that Alno Gedney Farms, Inc. has violated section 274A(a)(1)(A) and 274A(a)(1)(B) of the Act, 8 U.S.C. §1324a(a)(1)(A) and §1324a(a)(1)(B) with regard to the employment of the individuals referred to in the Complaint.

### ACCORDINGLY, IT IS HEREBY ORDERED:

- (1) that the motion to approve the Consent Findings is granted;
- (2) that respondent pay a civil monetary penalty of five thousand dollars (\$5,000.00) payment to be made by cashier's or certified check upon approval of the Consent Findings;
- (3) that each party bear its own attorney fees, costs and other expenses incurred by such party in connection with these proceedings;
- (4) that this Decision and Order has the same force and effect as a Decision and Order made after a full administrative hearing;
- (5) that the entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing and the Consent Findings;
- (6) that the parties have waived any further procedural steps before the Administrative Law Judge;
- (7) that this Decision and Order is final and unappealable and that the parties have waived any and all right to challenge or contest the validity of this Decision and Order in any forum; and
  - (8) that the Respondent cease and desist from violating section 1324a(a)(1)(A) of the Act.
  - (9) that the hearing in this case is canceled.

ROBERT L. BARTON, JR.

ADMINISTRATIVE LAW JUDGE

#### **CERTIFICATE OF SERVICE**

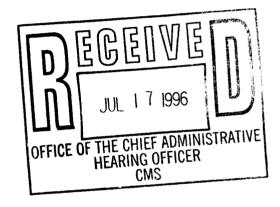
I hereby certify that on this 17th day of July, 1996, I have served copies of the foregoing Decision and Order to the following persons at the addresses shown:

Patricia Gannon, Esquire Acting District Counsel Office of th District Counsel Immigration and Naturalization Service P.O. Box 2669 New York, NY 10008-2669 (Counsel for Complainant)

Alno Gedney Farms, Inc. d/b/a Gedney Farms Nursery 870 Mamaroneck Avenue White Plains, NY 10605 (Respondent)

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